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HISTORY HOW YOU CAN HELP

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PHYSICIST WHO PRESSED FOR DIVERSITY SETTLES LAWSUIT AGAINST THE AMERICAN INSTITUTE OF PHYSICS

The Washington Lawyers' Committee for Civil Rights and Urban Affairs (WLC), and Howrey, LLP (Howrey) are pleased to announce the settlement of a case in which a *Physics Today* magazine staff editor alleged that he was fired in retaliation after he had repeatedly complained to management about the lack of diversity within the magazine's professional staff.

Physics Today is published by the **American Institute of Physics** (AIP), a publishing and advocacy organization headquartered in College Park, Maryland which is governed by ten science organizations including the American Physical Society.

In his federal court complaint, Schmidt alleged that he had led an effort to force *Physics Today* to live up to its official position of being an affirmative-action employer, noting that for many years the magazine had been hiring and training only whites as editors. Schmidt, who is white, believed that diversifying the magazine's staff would help to diversify the viewpoints allowed in the magazine.

Rebuffed by management, Schmidt appealed to the magazine's advisory committee, an independent panel of physicists. Schmidt alleged that he was subsequently retaliated against, and that his supervisors attempted unsuccessfully to silence him, first with a gag order and then with an announcement that all conversations between employees were subject to monitoring by management.

In the year 2000, AIP learned that Schmidt had published a book entitled *Disciplined Minds*, which questions workplace hierarchy, and in the preface of which Schmidt stated that the book had been partly written on office time. A few days later, allegedly because of this statement, AIP fired Schmidt after 19 years on the job, drawing protests from more than 1000 scientists and others around the world. Schmidt alleged that AIP's explanation was pretextual and that the real reason was because Schmidt had made an issue of the ongoing lack of diversity.

As part of the settlement, Schmidt will receive compensation in an undisclosed amount. In addition, AIP will take significant new steps to increase its diversity. AIP will support an effort by the National Society of Black Physicists (NSBP) and the

National Society of Hispanic Physicists (NSHP) to become non-voting member societies of AIP. And AIP will encourage each of the ten existing scientific member societies to work individually with the NSBP and NSHP diversity councils. At the next NSBP annual conference, AIP will, if requested, conduct a science writing course, a precursor to recruiting talented minority science writers. In addition, AIP has implemented a program of mandatory diversity training for all employees.

The WLC's Warren Kaplan, one of Schmidt's attorneys, said:

"We commend AIP for making the hard decisions needed to bring this litigation to an end. We believe that with the full implementation of all the new measures set forth in the settlement agreement, AIP will be, and will be widely perceived as being, an equal opportunity employer in every respect."

Patricia Butler, a partner at Howrey, had this to say:

"Howrey is pleased that the parties worked through their disputes and have arrived at a mutually agreeable resolution of their differences. This settlement will further everyone's goal of equal employment opportunity for minorities."

The Washington Lawyers Committee for Civil Rights and Urban Affairs (<http://www.washlaw.org>) is a nonprofit civil rights organization that has represented both individuals and groups seeking to vindicate their civil rights for over 35 years. It has handled over 5,000 civil rights cases in employment, housing, public accommodations, and other aspects of urban life.

Founded in 1956, Howrey LLP is an international law firm with over 575 attorneys and more than 50 economic, financial, and regulatory consultants. Howrey has offices in Washington, D.C.; Northern Virginia; Houston, Texas; Los Angeles, Irvine, East Palo Alto and San Francisco, California; Salt Lake City, Utah; Chicago, Illinois; London, England; Brussels, Belgium; Paris, France; Amsterdam, The Netherlands and Taipei, Taiwan. Howrey's affiliates, The CapAnalysis Group, LLC (economic, financial, and litigation consultants) and Maxiam LLC (intellectual asset management specialists) team with Howrey attorneys as strategic business resources. As the winner of the 2003 Thomas L. Sager Award from the Minority Corporate Counsel Association, Howrey is committed to the ideals of diversity. The firm is equally committed to the tenets of pro bono and public service participation. A consistent *American Lawyer* "A-List" firm, Howrey is one of the most frequently used law firms in the nation among Fortune 250 companies according to the *National Law Journal's* survey of "Who Represents Corporate America" and was recently selected to the *NLJ* "Defense Hot List." Howrey's Intellectual Property practice was ranked a top national IP practice by *IP Law & Business* and its Antitrust Practice was named the world's #1 Antitrust/Competition practice by *Global Competition Review's* GCR 100. Howrey's "Advantage of Focus" makes it the clear choice for intellectual property, antitrust, and complex business dispute resolution. For more information, visit our website: <http://www.howrey.com>.